

ENROLLED ORIGINAL

## A RESOLUTION

15-256

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to need to enable the Mayor, or his designee, to administer grants from the Commercial Trust Fund once the Council has designated the funds to be spent for a particular project

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Authorization of the Spending of the Commercial Trust Fund Emergency Declaration Resolution of 2003".

Sec. 2. (a) There exists an immediate need to enable the Mayor to make grants out of the Commercial Trust Fund. This is a fund located in the Deputy Mayor for Economic Development's budget and has had funds allocated to it by the Council for specific projects. This emergency legislation would enable the Mayor to administer these grants only in accordance with the authorization that was given to the Mayor, by the Council, according to the budget process and subsequent money transfer processes.

(b) On June 3, 2003, the Council unanimously approved the Fiscal Year 2004 Budget Support Act of 2003, on July 8, 2003, the Council unanimously approved the \$25 Million Allocation Through a Reprogramming Emergency Approval Resolution 2003, and on September 23, 2003, the Council unanimously approved the September Use of the Reserve Emergency Approval Resolution of 2003. All 3 of these unanimous actions made available a total of \$5 million to the Commercial Trust Fund to support the redevelopment of Arena Stage. This emergency legislation is necessary as a technical authorization that is necessary to assure that the funds the Council has approved may be granted by the Mayor for the intended purpose and permit Arena to move forward in their project.

(c) Accordingly, it is necessary that the Council adopt this legislation on an emergency basis to enable to the Mayor to grant the necessary allocations of funding that the Council has already approved but needs to authorize the spending.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Authorization of the Spending of the Commercial Trust Fund Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

15-257

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to the need to amend the Holding Company System Act of 1993 to change the burden of proof for an acquiring company's proposition to acquire a nonprofit domestic insurer, to extend the length of the review period of the Mayor for certain insurance mergers, and to clarify who may participate in the public hearing and to provide for a review period after the determination made by the Mayor; and to amend the Hospital and Medical Services Corporation Regulatory Act of 1996 to change the burden of proof for an acquiring company's proposition to acquire a nonprofit domestic insurer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Department of Insurance and Securities Regulation Merger Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) On July 2, 2002, the Council passed the Department of Insurance and Securities Regulation Merger Review Emergency Amendment Act of 2002 to extend, on an emergency basis, the decision-making time period when reviewing merger applications, of the Department of Insurance and Securities Regulation Commissioner ("Commissioner"), from 30 days to 120 days. This emergency legislation gave the Commissioner the option to increase the length of the review period if it is necessary and if all interested parties have given their consent. This legislation was passed on an emergency basis to further enable the Commissioner to review the proposed conversion of Group Hospitalization and Medical Services, Inc. ("GHMSI") from a nonprofit hospital and medical services corporation to a for-profit hospital and medical services corporation and subsequently, the acquisition of GHMSI by WellPoint Health Networks, Inc.

(b) To further enable the Commissioner during the review process, there also was an immediate need to shift the burden of proof when the Commissioner is deciding on whether or not to permit conversions, and mergers, of for-profit insurance companies to, or with, nonprofit insurance companies. Prior to this emergency legislation, if the Commissioner cannot determine that it is not in the public interest, then the Commissioner must allow the merger or acquisition to proceed. With these amendments to the law, there is a shift of this burden to the acquiring company. In the case currently before the Commissioner, this would mean that WellPoint and

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GHMSI would be required to prove that the conversion and acquisition is in the public interest of the residents of the District. If they cannot prove that the conversion and acquisition is in the public interest of the residents of the District of Columbia, then the Commissioner must deny the application.

(c) This emergency legislation also changed the phrase "any person to whom notice of hearing was sent, and any other person whose interest may be affected" to the phrase "and any party". The purpose of this amendment was to conform the language of the Holding Company System Act with the defined terms in the D.C. Administrative Procedures Act ("DCAPA"). The DCAPA definition of "party" would permit the Commissioner to create one or more classes of party status, thus broadening the definition and permitting more interested persons to be involved in the hearing process.

(d) This emergency also provided that after the Commissioner made a determination about the proposed conversion and acquisition of GHMSI by WellPoint such determination will not be effective for 90 days. Current law did not provide for Council review of the decision made by the Commissioner. The amendment provided for a 90-day period during which the Council will have the opportunity to review the decision regarding the conversion and acquisition and consider whether it is in the public interest.

(e) The amendments were also included in the Department of Insurance and Securities Regulation Merger Review Temporary Amendment Act of 2002, which passed the Council on September 17, 2002. The temporary act will expire on November 5, 2003. The permanent version of this legislation was passed on September 16, 2003. Therefore, this emergency bill is necessary to continue existing authority until the Congressional review period is completed.

(f) Consequently, it is necessary that the Council adopt this legislation on an emergency basis to aid the Commissioner in eliminating any errors in the decision he is preparing to make regarding the GHMSI conversion application and subsequent applications.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Department of Insurance and Securities Regulation Merger Review Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

15-258

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to the need to change the interest rate for calculating the minimum nonforfeiture amount for life insurance annuities from 3% to 1.5% to make the interest rate for cash surrender benefits compatible with the current low interest rate environment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Standard Valuation and Nonforfeiture Emergency Declaration Resolution of 2003".

Sec. 2. (a) On December 23, 2002, the Standard Valuation and Nonforfeiture Emergency Amendment Act of 2002 was passed by the Council because there existed an immediate need to change the interest rate for calculating the minimum nonforfeiture amount for life insurance annuities from 3% to 1.5% because the 3% interest rate guarantee required for cash surrender benefits is incompatible with today's low interest rate environment. The 3% "floor" for life insurance annuities in the current law was adopted in December 1976 and had not been amended since its adoption. In 1976, the interest rate for 5-year Treasury bonds was between 7 and 7.5%. Prior to 1976, the market for life insurance annuities was small; few states even had a nonforfeiture law applicable to life insurance annuities, and those states generally provided an interest rate for calculating the minimum nonforfeiture amount of less than 3%.

(b) The change that is proposed in this emergency legislation was adopted by the National Association of Insurance Commissioners ("NAIC") on February 9, 2002. The NAIC adopted this change with the understanding that the 3% minimum rate is now incompatible with the current interest rate environment that may extend for a protracted time. A temporary minimum rate reduction is sought while a permanent solution is developed. The NAIC recommends lowering the interest rate for a determined amount of time and suggested that a sunset date of July 1, 2004, would be appropriate.

(c) Accordingly, it was necessary that the Council adopted this legislation on an emergency basis to account for the changes in the Treasury rates and to ensure that the option of investing in annuities can still be made available to District of Columbia residents.

(d) Subsequently, the Standard Valuation and Nonforfeiture Temporary Amendment Act of 2002 was passed by the Council on January 7, 2003 and is due to expire on November 13,

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2003. The permanent version of this legislation is scheduled to receive second reading today. Consequently, it is necessary to pass this legislation to continue existing authority until the permanent legislation completes the Congressional review process.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Standard Valuation and Nonforfeiture Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## A RESOLUTION

15- 259

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to the need to amend the Department of Health Functions Clarification Act of 2001 to require the Department of Health to conduct environmental inspections of the Central Detention Facility at least 3 times a year and to issue the inspection report to the Council within 30 days of each inspection; to amend An Act To create a Department of Corrections in the District of Columbia to require the department to provide to the Council on a quarterly basis all internal reports relating to environmental conditions in the Central Detention Facility; to establish an inmate population cap at the Central Detention Facility that is determined by an independent consultant hired by the Mayor pursuant to a plan submitted to and approved by the Council, and to repeal the Central Detention Facility Monitoring Temporary Amendment Act of 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Jail Improvement Emergency Declaration Resolution of 2003".

Sec. 2. The Council of the District of Columbia finds that:

(1) On March 21, 2003, Judge William B. Bryant of the U.S. District Court for the District of Columbia ("Court") terminated Court oversight of environmental conditions at the D.C. Central Detention Facility ("D.C. Jail"), holding that his action was consistent with the requirements of the Prison Litigation Reform Act of 1996, which severely limits the Court's discretion in the area of prison litigation.

(2) The above action deprives the Court, the public, the Council, and the Council's Committee on the Judiciary of monitoring reports that have been issued by the Special Officer of the Court pursuant to class action litigation initiated on behalf of inmates of the D.C. Jail. The Special Officer's monitoring reports have been critical to the Judiciary Committee's ongoing oversight of the Department of Corrections and the conditions, generally, at the D.C. Jail.

(3) The Special Officer has provided an objective overview of conditions at the D.C. Jail encompassing the impact of the overcrowding that has occurred following the anticipated closure of Lorton Prison. The reports have assisted the Judiciary Committee in its review of overcrowding and in its plans to address that issue through legislation. Objective information from a Court monitor is particularly important in cases in which the administration does not accurately acknowledge or comprehensively address long-standing and serious issues at an institution.

(4) With the end of the monitoring by the Court's Special Officer and the continuing responsibility of the Council to oversee the performance of the Department of Corrections, it is imperative that the Council pursue alternatives to secure the same level of

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comprehensive and objective information provided heretofore by the Special Officer. The timing of the Court's action and the critical nature of the information required by the Council demonstrate the need for emergency legislative action.

(5) The Council enacted permanent legislation requiring the Mayor to develop and submit to the Council for its approval a plan for establishing an inmate population cap for the Central Detention Facility, including a contract to hire a consultant to determine the cap. Mayor Williams and Deputy Mayor Kellems have indicated their support for moving forward immediately on that plan rather than awaiting full Congressional review of the permanent legislation. Emergency action is thus required to authorize the Council to review and approve the plan prior to the permanent bill becoming law in early 2004

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Jail Improvement Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-260

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to the need to establish the Automated Traffic Enforcement Fund as a lapsing fund, and to require that revenue collected and deposited into the Automated Traffic Enforcement Fund be used for the expenses associated with automated traffic enforcement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Automated Traffic Enforcement Fund Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Automated Traffic Enforcement Fund Temporary Amendment Act of 2002, effective March 25, 2003 (D.C. Law 14-226; 49 DCR 4562), which establishes the Automated Traffic Enforcement Fund as a lapsing fund, and requires that revenue collected and deposited into the Automated Traffic Enforcement Fund be used for the expenses associated with automated traffic enforcement, expires on November 5, 2003.

(b) This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Automated Traffic Enforcement Fund Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

15-261

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to the need to approve the acceptance and use of grants not included in the ceiling of the District of Columbia Appropriations Act, 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "October Budget Modifications for FY 2004 Grant Funds Emergency Declaration Resolution of 2003".

Sec. 2. (a) Compliance with federal law established by section 119 of the FY 2003 Appropriations Act, approved February 20, 2003 (Pub. Law 108-7; 117 Stat. 11) as extended by a Joint Resolution Making continuing appropriations for the fiscal year 2004, and for other purposes, approved September 30, 2003 (Pub. Law 108-84; 117 Stat. 1042), requires Council approval within 15 calendar days after a request for acceptance and use of grants not included in the ceiling of the FY 2003 appropriation for the District of Columbia.

(b) Grant requests have been submitted that are not included in the FY 2003 appropriations ceiling. These grants must be approved by the Council expeditiously.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the October Budget Modifications for FY 2004 Grant Funds Approval Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to the need to exempt from sales taxation goods sold at certain charity auctions.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Charity Auction Sales Tax Exemption Emergency Declaration Resolution of 2003".

Sec. 2. (a) The permanent version of this legislation was introduced earlier this year, and the Committee on Finance and Revenue held a public roundtable on the bill on July 7, 2003.

(b) Many District of Columbia ("District") nonprofit organizations hold charity auction events, which help fund activities which are beneficial to the District and its residents.

(c) Accounting for and collecting sales taxes on such incidental sales is an administrative burden to these organizations, and very few such organizations now either collect or are aware they should collect sales taxes on such sales.

(d) At the Committee's public roundtable, the Office of Tax and Revenue expressed concerns over the drafting of the original introduced bill, and those concerns have been addressed in this emergency bill.

(e) The charitable auctions which inspired the permanent bill are to be held later this month and in early November, thus necessitating consideration of this matter on an emergency basis.

Sec. 3. The Council of the District of Columbia determines the circumstances enumerated in Section 2 constitute emergency circumstances making it necessary the Charity Auction Sales Tax Exemption Emergency Act of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

15-263

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to the need to exempt from taxation certain property leased to, and occupied by, Emmaus Services for the Aging, Inc., a District of Columbia nonprofit organization, and used in its tax-exempt function.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Emmaus Rehabilitation Project Real Property Exemption Emergency Declaration Resolution of 2003".

Sec. 2. (a) The permanent version of this legislation was introduced earlier this year, and the Committee on Finance and Revenue held a public roundtable on the bill (Bill 15-308) on July 7<sup>th</sup>.

(b) The underlying emergency legislation would exempt property in the 1400 block of 9<sup>th</sup> Street, N.W., from property and deed and recordation taxes as long as the property is leased by, occupied, and used for the purposes of Emmaus Services for the Aging, a 501(c)(3) qualifying organization.

(c) The rehabilitation of these properties, which were long neglected in the Shaw community, was enabled by a financing arrangement which took advantage of historic preservation tax credits, involving partners in the private sector.

(d) As such, title to the property is currently held in the name of Emmaus Rehabilitation LLC, which would not otherwise qualify for a property tax exemption under our law.

(e) As the property will be used by Emmaus Services for the Aging, a 501(c)(3) organization, and title will revert to the nonprofit organization in approximately 5 years, the Office of Tax and Revenue has recommended changes to the legislation to limit the scope of the exemption solely to the Emmaus' use of the property.

(f) Title to the property was transferred to Emmaus Rehabilitation LLC in April of 2003, and the previous exemption held by Emmaus Services for the Aging was terminated by the Office of Tax and Revenue on May 1, 2003.

(g) As these events occurred several months in the past, the underlying emergency legislation is needed to prevent further accrual of property tax liability by the organization.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Emmaus Rehabilitation Project Real Property Exemption Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

15-264

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to need to prohibit the Metropolitan Police Department's Police Service Areas restructuring plan from being implemented prior to Council review.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "PSA Restructuring Council Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) There exists an immediate need to ensure that the constituents that are most affected by the restructuring of the Police Service Areas ("PSAs") have a place to air their concerns prior to implementation of the new program.

(b) There have been several very concerned neighborhood groups throughout the city that have not felt as though their concerns have been adequately taken into consideration by the Metropolitan Police Department. By passing this emergency and subsequent temporary and permanent legislation, the Council will have an affirmative step in the process.

(c) Accordingly, it is necessary that the Council adopt this legislation on an emergency basis to enable to ensure that the Council has the authority to conduct a complete review of the PSA restructuring plan.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the PSA Restructuring Council Review Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## A RESOLUTION

15-265

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to the need to amend the District of Columbia Administrative Procedure Act to bring the District's Freedom of Information Act into greater conformity with the federal Freedom of Information Act, to clarify that the Freedom of Information Act's law enforcement and investigatory records exemption applies equally to the Council of the District of Columbia's investigatory proceedings, to clarify that the inter-agency memorandum exemption applies to Council records, to provide that the Council may assert exemptions on behalf of public bodies from which it receives information, and that final decisions of the Council may not be appealed to the Mayor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Freedom of Information Legislative Records Clarification Emergency Declaration Resolution of 2003".

Sec. 2. (a) The District of Columbia Freedom of Information Act ("FOIA"), enacted in 1977, was modeled after the federal Freedom of Information Act. Both local and federal courts have relied on interpretations of the federal law to interpret the local FOIA law. In 1986, the federal FOIA exemptions governing law enforcement and investigatory records were changed. Freedom of Information Reform Act of 1986, approved October 27, 1986 (Pub. L. No. 99-570; 100 Stat. 3207). None of these federal changes affecting FOIA exemptions have been incorporated into the D.C. FOIA.

(b) The Freedom of Information Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-283; 48 DCR 1917), amended the D.C. FOIA to provide for disclosure of records in electronic format, to extend coverage to the Council and private contractors performing public functions, to provide disclosure requirements for partially released documents, to clarify categories of information that do not require a written request for information, to provide penalties for arbitrary or capricious violations of the act, to revise the annual reporting requirements, and to provide a training requirement for Freedom of Information Officers. The

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Freedom of Information Amendment Act of 2000 did not revise the exemptions in section 204(a), which were revised in federal law in 1986.

(c) One example where changes were made in the federal law and not in the D.C. FOIA is that under the current D.C. FOIA law, records may be withheld if doing so would endanger the life of law enforcement personnel. The corresponding federal provision provides that records may be withheld if doing so would endanger the life of *any person*.

(d) The current D.C. FOIA law provides that investigatory records may be withheld only if they were compiled for law enforcement purposes, and certain enumerated harms would result from the disclosure. It is not clear whether a court would find this exemption applicable to Council investigatory proceedings.

(e) The current D.C. FOIA permits a final decision of the Council to be appealed to the Mayor, who is then authorized to order the Council to produce the documents. This provision intrudes on the authority of the Council as a co-equal branch of government.

(f) The core exemptions in the D.C. FOIA have not been amended since the law was enacted in 1977. The exemptions specifically were not amended in 2001, when the Council was made subject to FOIA. The Council is currently involved in a number of sensitive investigations, some of which require the cooperation of witnesses who do not want their identities disclosed. Premature release of records could provide the subjects of investigations with the opportunity to tamper with evidence and construct defenses, and could unnecessarily damage the reputation of other subjects or those associated with them, if the allegations are not substantiated. Failure to clarify and strengthen protection for records and information related to Council investigations would have the effect of damaging or disrupting investigations, and discourage cooperation with the Council's investigations.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Freedom of Information Legislative Records Clarification Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-266

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to the need to waive all filing requirements for generally recognized United States presidential candidates.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Presidential Primary Petition and Filing Waiver Emergency Declaration Resolution of 2003".

Sec. 2. (a) Currently, presidential candidates are required to acquire to fill out a "declaration of intent to run" form to be placed on the ballot.

(b) The Council passed the Presidential Primary Election Amendment Act of 2003, which became law June 21, 2003.

(c) This legislation is another attempt to ensure candidates participate in our "first in the nation" primary without hesitation.

Sec. 3 The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that Presidential Primary Petition Waiver and Filing Waiver Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4 This resolution shall take effect immediately.

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## A RESOLUTION

15-267

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to the need to amend the sunset date for the issuance of tax increment financing bonds under the Tax Increment Financing Authorization Act of 1998.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Tax Increment Financing Reauthorization Date Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Tax Increment Financing Authorization Act of 1998 ("TIF Act") contains a sunset date of January 1, 2004.

(b) The Committee on Finance and Revenue is undertaking a thorough reexamination of the TIF Act, including hearings in January and June 2003. The goal of this effort will be to evaluate how to make tax increment financing, and other tax-related development tools, more effective for neighborhood economic development and revival, and this effort will result in legislative changes to the TIF Act.

(c) The Council has previously extended the sunset date of the TIF Act until January 1, 2004, via temporary legislation, D.C. Law 14-288, which will expire on November 15, 2003.

(d) The Committee on Finance and Revenue intends to mark up permanent legislation which will reauthorize the TIF Act before the end of 2003, but moving the sunset date of the TIF Act for 6 months to July 1, 2004 is prudent in order to prevent a gap in authority for this program.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Tax Increment Financing Reauthorization Date Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

15-268

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to the need to provide for a real property tax exemption for lots 826 and 831 in square 491 and a payment in lieu thereof.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Freedom Forum Newseum Real Property Tax Exemption and Equitable Real Property Tax Relief Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Freedom Forum, Inc., a tax-exempt organization, purchased the property at 555 Pennsylvania Ave., N.W. (lots 826 and 831 in square 491), from the District of Columbia government ("District") in December 2000 for \$100 million, \$25 million of which was designated as a grant to the District of Columbia Housing Production Trust Fund. At the time of purchase, The Freedom Forum, Inc., voluntarily entered into an agreement to make annual payments in lieu of real property taxes.

(b) The Office of Tax and Revenue issued a real property tax bill to a wholly owned nonprofit subsidiary of The Freedom Forum, Inc. (555 Pennsylvania Ave. NW, LLC) for taxes due.

(c) The District desires to ensure immediately that the negotiated payments in lieu of taxes commence not earlier than the date that a final Certificate of Occupancy is issued.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Freedom Forum Newseum Real Property Tax Exemption and Equitable Real Property Tax Relief Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

15-269

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2003

To declare the existence of an emergency with respect to the need to enact new legislation and to amend the Medicaid Benefits Protection Act of 1994, Title 16 of the District of Columbia Official Code, and the Child Support Enforcement Amendment Act of 1985 to comply with the medical child support provisions of the federal Child Support Performance and Incentive Act of 1998 before January 1, 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Medical Support Establishment and Enforcement Emergency Declaration Resolution of 2003".

Sec. 2. The Council of the District of Columbia finds that:

(1) Section 401 of the Child Support Performance and Incentive Act of 1998, approved July 16, 1998 (Pub. L. No. 105-200; 112 Stat. 660) ("CSPIA"), requires the District of Columbia to implement new procedures for the establishment and enforcement of provisions for health insurance coverage in support orders enforced pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*). These procedures must include the IV-D agency's use of a medical support notice to direct employers and health insurers to enroll children entitled to health insurance coverage in employment-related group health plans available through the noncustodial parent's employer.

(2) To meet the CSPIA requirements and remain in compliance with federal law, the District of Columbia must enact implementing legislation by January 1, 2003. Failure to comply could result in the elimination of federal child support funding and the imposition of a penalty on the Temporary Assistance for Needy Families ("TANF") grant for the District of Columbia.

(3) If there is a finding that the IV-D program is not in compliance with the medical support provisions of CSPIA, and the District of Columbia fails to take corrective action, child support funding could be eliminated and the TANF grant could be reduced by the following percentages in subsequent fiscal years:

(A) Not less than one nor more than 2 percent, for the first finding of noncompliance;

(B) Not less than 2 nor more than 3 percent, for the second consecutive

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finding of noncompliance; or

(C) Not less than 3 nor more than 5 percent, for the third or a subsequent consecutive finding of noncompliance.

(4) The District of Columbia's TANF grant for Fiscal Year 2002 was approximately \$97.2 million. The District of Columbia's failure to timely enact the legislation required under CSPIA would have a severe fiscal impact on future awards of funding for the District of Columbia's TANF and IV-D programs. It is imperative that this funding not be jeopardized.

(5) The Medical Support Establishment and Enforcement Temporary Amendment Act of 2003, effective March 25, 2003 (D.C. Law 14-238), will expire on November 5, 2003. The Medical Support Establishment and Enforcement Amendment Act of 2003, introduced on March 19, 2003 (Bill 15-219), is pending before the Committee on the Judiciary. This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.